

MEETING #14 – April 25

At a Regular Meeting of the Madison County Board of Supervisors on April 25, 2017 at 4:30 p.m. in the Madison County Administrative Center Auditorium located at 414 N. Main Street:

PRESENT:

Present: R. Clay Jackson, Chairman
Jonathon Weakley, Vice-Chairman
Robert Campbell, Member
Charlotte Hoffman, Member
Daniel J. Campbell, County Administrator
V. R. Shackelford, County Attorney
Mary Jane Costello, Asst. County Administrator/Finance Director

ABSENT: Kevin McGhee, Member

Call to Order

Pledge of Allegiance & Moment of Silence

1. Determine Presence of a Quorum/Adopt Agenda

Chairman Jackson advised that Supervisor McGhee will be absent. A quorum was established.

Chairman Jackson suggested today's agenda be 'approved' as the meeting proceeds.

Supervisor Campbell moved that today's agenda be 'approved as the meeting proceeds' seconded by Supervisor Hoffman. Ayes: Jackson, Weakley, Campbell, Hoffman. Absent: McGhee. Ayes: (0).

2. 4:30 P.M. Discussion of Proposed Energy Audit Project with the Madison County School Board; other participants, including representatives from Ameresco and the Virginia Department of Mines, Minerals & Energy

Charles Barksdale, Utilities & Performance Contracting Manager (Virginia Department of Mines, Minerals & Energy) was present and advised that he has works with public bodies and state agencies within the Commonwealth. There are currently close to \$900,000,000 invested in schools for energy proposed contracting. Also works with Ameresco, Inc. (energy services company) to ensure that all the work being proposed (by Ameresco, Inc.) is technical sound. Advised that he is not affiliated with Ameresco, Inc., but works to ensure that all work is completed as noted within the proposed contract agreement. If proposed savings aren't attained (as guaranteed), a check will be provided to the school system. Also noted that Ameresco, Inc. is currently working with several schools and state agencies within the Commonwealth that have millions of dollars invested in energy savings proposals.

Richard Ritter, VA Business Manager & Sr. Accounting Executive (Ameresco, Inc.) advised that Ameresco, Inc., is a state approved services contractor; the business has provided a successful program in the State of Virginia; currently \$255,000,000.00 has been utilized with schools (K-12) with a noted savings of \$155,000,000.00 thus far. Ameresco, Inc. identified savings and works with customers to rectify any shortfalls on an annual basis.

Gary Wrait, Ameresco, Ins., advised that the Commonwealth of Virginia requires that Ameresco, Inc. measures and verifies savings annually; the entity follows the State Code that requires that measurements are taken to prove that any guaranteed savings (are actually being met on an annual basis. Any proposed savings are assessed on an annual basis and are derived by a certain percentage; savings do not carry forward into a year where there may be a shortfall.

Comments/Questions:

- Robert Chappell: Asked (Barry Penn Hollar, SB Chair) if the school board needed to take any action prior to tonight's discussion (i.e. SB's first invitation to receive input from Ameresco, Inc.); questioned the proposed savings and what proof is used to analyze/ensure guaranteed savings; noted that the temperature can be set accordingly during the seasons and will save on energy costs; asked who will determine the set points from the schools (Ameresco, Inc., or school personnel)

The County Administrator: Advised that (in his opinion), the Madison County School Board should take action and/or make a recommendation (to the Madison County Board of Supervisors) regarding today's concerns.

- **Chairman Jackson**: Advised of reductions in fuel costs (60%); appears that energy costs have decreased; verbalized skepticism of today's proposal and questioned the overall 'cons'

Mary Jane Costello: Asked at what point in time are savings measured (i.e. beginning, every year, or by algorithms).

- **Supervisor [REDACTED] Weakley:** Asked for the total cost for the proposed project (to include contingency, additional/available cash flow, etc.); also questioned net annual benefit (pro forma document - \$271; cumulative cash flow; O&M Savings - Preventative Maintenance (for the school system {i.e. proper training, staffing, SOP's}, on how to perform work, is this included in the contract price); questioned if certain items should be re-evaluated (i.e. programmable thermostats); whether other localities are utilizing 'green print' and if this is a tool that can pay dividends

The County Attorney questioned how Virginia's existing procurement laws apply to this type of project and if the overall project will be at a cost comparable to the amount of savings projected by Ameresco, Inc. (i.e. feels this will hold the business accountable for all dividends that may be honored at a later time).

- Supervisor Campbell: Verbalized concerns that the County was asked to vote on today's proposal during a previous meeting because a decision was needed prior to an upcoming telephone conference; County was told that the presentation was for information only **(at the last Board meeting)**; it appears the proposal is still in the phase of being discussed; questioned **[REDACTED] why** the school system and administration haven't gotten to a point of providing a solid recommendation to the County regarding funding; noted the absence of any pertinent information (i.e. leadership recommendations, corporation information), but only items that will require taxpayer dollars; feels that performance information should be provided for review; feels that the proposed \$2,700,000.00 project will end up being a \$5,000,000.00 project instead and that enough information and legwork hasn't been provided to warrant tonight's joint session **(feels the 'ball has been dropped')**

Responses from Ameresco, Inc.:

- ❖ Measurements are taken on existing lighting vs. proposed lighting (to be installed) and on proposed kilowatt hours to be saved on a period of a year; actual rates are then applied (i.e. dollar savings) – if rates increase quicker than the escalation rate given, the actual dollar savings would be greater than what has been forecast (or guaranteed)
- ❖ Energy is also assessed on baseline costs (savings can be shown in this area as well)
- ❖ Emphasis was placed on the fact that the building should continue to operate on a set schedule
- ❖ Capacity flow appears to be able to handle the projected improvements
- ❖ Customer managed contingency (1% to 1.5%) is also included in the project costs (percentage is usually more than enough to cover any exclusions)
- ❖ Customer's usually have enough contingency left over to do additional small projects
- ❖ Explanations for 'net benefit' (on the pro-forma document): Denotes that in addition to the \$271 is an additional energy savings that are pledged to be leftover (interest/principle) for ongoing services
- ❖ Cumulative cash flow: Sum of all net annual benefits
- ❖ O&M: Ameresco, Inc. will provide operating manuals; training for staff will be provided (or [4] annual contractors on the proper maintenance/preventive care of the equipment that's installed, and ways to operate the equipment in order to generate guaranteed savings (as proposed by Ameresco, Inc.); techniques will be provided during the initial construction period and will return, as needed, with the understanding that there may be change in maintenance staff personnel [service included in the price]); this service is usually done with initial training and follow up with documentation (i.e. monthly maintenance staff meetings)
- ❖ Noted that thermostats can be programmed; overnight power outage will interfere with the set schedule and require reprogramming and thus, may not provide the guaranteed savings that were intended – thermostats being proposed for installation have an adaptive built-in start-up/shutdown mode where the equipment will know when the building needs to begin cooling so that the specified temperature will be attained at a specific time period (i.e. can't be attained with programmable thermostats). The equipment can be controlled by any individual (maintenance) by using a computer that is connected to the internet (system is completely automated)
- ❖ Green print: Noted that utilization of ink, toner and paper is a huge cost for the schools; noted that the proposed software will allow a user to print however they'd like, but the program offers a default condition (B&W) and will remove any unnecessary items and will only print what's absolutely necessary (i.e. remove extra spacing, etc.).
- ❖ The spreadsheet of findings (done by Ameresco, Inc.) was for a program built/generated by the General Assembly and allows localities to select a project and re-invest monies back into local facilities; noted that if the proposed work is done through performance contracting or through other means (by bid), issues will be inevitable; feels the proposed process covers items required by law – most bid projects involve change-orders, which isn't in place with the type of project being proposed today
- ❖ The General Assembly's legislation denotes there will be a responsible party for everything, perform the work, and will assume responsibility for providing a check (guaranteed savings).

- ❖ Financing for all projects is 'third-party' financing; about 99% of the funding for the schools is taxed on purchases (1.5%-2%)
- ❖ The project was provided to eighteen (18) contractors in the State [contractors must adhere to the procurement laws (RFQ was provided)] – the school board selected four (4) contracts from the eighteen (18) that bid on the proposed project.
- ❖ Facilities are provided with proposed standardized set points for facilities; in some cases the point will be increase and/or decreased depending upon occupancy; the school system will be expected to operate equipment at suggested set points (but will not be dictated by Ameresco, Inc.); protocol allows for savings to be adjusted; equipment will have features, but a methodology will be included the protocol for the same models used to generate proposed savings (i.e. difference in energy) – the annual guarantee will be used (by that amount annually) as this will be the baseline adjustment noted in the contract)
 - Doreen Jenkins: Advised that energy savings were sought; information was presented to the school system
 - Barry Penn Hollar: Noted that proposals were received from four (4) contractors; savings were reviewed; the school system was provided with a proposal that was evaluated on the basis of various areas of expertise, abilities, energy savings, price, and an assessment of how to get the most for the dollar and have all criteria met; feels the money being sought will cost less in the long run based on savings in the future

Representatives from Ameresco, Inc. asked (Supervisor Campbell) 'what hasn't been done (in his opinion) to prepare for tonight's discussion.

- Supervisor Campbell: Advised that (in his opinion), there have been no prior meetings/discussions regarding tonight's request to spend \$2,700,000.00; feels that the school board should have undergone some deep review/discussion on the process; today's request is being made despite the fact that local schools are fully accredited; proposed renovations appear to be for items that were recently installed (i.e. windows, lighting); County doesn't have an endless supply of money; referred to the fact that the school board has a 'needs based budget' – the Board of Supervisors has been elected (by the citizens) to spend tax dollars effectively; the County is charged with public safety and education (top priority); questioned what type of future our kids will have with all the debt caused by unnecessary spending
- Joe Parker: Noted that the previous renovations on the school system focused on the bottom dollar (i.e. cost); feels the proposed energy savings contract is based on potential savings
- Doreen Jenkins: Noted that recent improved items will not be replaced, but 'tweaked' to provide energy savings; also advised that the school system will not spend 'big bucks'

The Finance Director asked if savings are actually measured or by using algorithms; whether formulas being used are clearly defined in the contract; whether the 1.9% interest rate used in the pro-forma document is still valid.

- ❖ Representatives from Ameresco, Inc., advised that:
 - Formulas are clearly defined in the contract
 - Interest rate is federally subjected through qualified energy conservation board funding; state has a pool of funding totaling about \$20,000,000

Additional Comments:

- Supervisor Weakley: Noted there have been some dollars saved within the school system's budget that will be allocated to the schools' CIP Fund; concerns focused on finding a balance (i.e. HVAC needs to be replaced vs. current and future replacement cost); also referenced total project costs vs. total project savings (i.e. lighting system improvements, water conservation, retro-commission DDS controls;) – costs for projects equals \$1,179,276.00 with a projected savings of about \$100,000.00 annually; savings over a ten (10) year period can be realized; noted that the school system's budget does appear to be prudent; suggested there be a return to the 'drawing board' to assess cost analysis and assessment of overall debt service (for the County) and the County's ability to pay for the project in its totality
- Chairman Jackson: Thanked Mr. Barksdale and the other representatives from Ameresco, Inc. for attending today's session

3. 6:00 P.M. – Public Comment

Chairman Jackson opened the floor for public comment.

The following citizen(s) provided comments:

- ✓ Joe May (Etlan): Concurred with comment (made by Supervisor Campbell) that major corporations sometimes try to take advantage of the energy audit program; feels this program is a deal where the government pushes 'greed' and that this type of endeavor is tied up in 'political correctness' and isn't all about energy efficiency, but about 'feeling good';

Ameresco, Inc., is unknown to him and representatives appear to be 'good salesmen'; unsure if this company can be trusted; feels if something is 'too good to be true', it probably is; also agreed that training manuals will be needed and if there is no professionally trained in-house staff in place (i.e. electricians, plumbers, HVAC), it will be impossible to maintain the proposed equipment – feels this will be the loophole the contractor will use to eliminate the need to pay the school system any funding for proposed savings

- ✓ Nick McDowell: Advised of great respect for both governing boards; feels the BOS has functioned more effective with its current roster of members; urged all parties to remain polite/respectful in an effort to avoid quick comments; also requested the school board have more emphasis on the 'schools', political correctness and respect, as with all public officials
 - ✓ Jr. Carpenter (Brightwood): Asked for the names of school board members present; feels if the current members are 'dumb enough to fall for something like this', he wants to know who is serving for future knowledge; questioned if the school board members are in favor of today's proposal
 - ✓ Reuben Woodard: Advised that nobody is using the mics that are in present (difficulty hearing); accolades given to Supervisor Weakley and Supervisor Campbell for standing up for the taxpayers; doesn't feel that the school board has ever been in favor of the best interest for everybody; encouraged the Board to request speakers to use the mics so everyone present can hear comments
- *Supervisor Campbell; Openly apologized to the public and the school board for being somewhat rude during tonight's discussion*
- ✓ John Underwood: Urged "Bill Campbell not to stop being Bill Campbell" – encouraged him to stay on the Board and continue to express his opinions – feels this is well needed in the County
 - ✓ Joe Parker: Expressed appreciation of comments (made by Nick McDowell); also feels that relations developed with the Board of Supervisors has grown and is very positive; verbalized appreciation and noted that respect is demonstrated by all members; appreciates the relationship (developed between both governing boards) over the past four (4) years – there is no intent to destroy what has been established
 - ✓ Eleanor Montgomery (Malvern): Advised that she attends most of the meetings; noted that the Board has worked very hard to save money wherever they can and investigate every issue; accolades were provided to Dan Campbell and Mary Jane Costello for being a positive measure for the County
 - ✓ Barry Penn Hollar: Advised that the school board understands where the school's funding comes from; noted that the school board is committed to the priority to manage the schools and is also committed to being fiscally responsible; tonight's proposal does sound 'too good to be true'; feels confident of the proposal, as it has been reviewed by legal professions (by the State) for oversight; what sounds 'too good to be true' is true in this case; advised that the school board would not present the proposal if it was deemed to be inaccurate and irresponsible

Chairman Jackson thanked the Madison County School Board, School Finance Office and Superintendent for attending.

With no further comments being brought forth, Chairman Jackson closed the public comment opportunity.

Chairman Jackson called for a ten minute (10) recess)

4. Constitutional Officers

i. Clerk of the Circuit Court [#27_04252017 (\$6,705.00)]: Leeta Louk, Clerk of the Circuit Court, was present to advise that the Virginia Library allocated funds for the purpose of preserving plat and deed books maintained by the Clerk's Office. A supplemental appropriation is being requested for \$6,705.00.

ii. Clerk of the Circuit Court [#28_04252017 (\$13,436.50)]: Leeta Louk, Clerk of the Circuit Court, also advised that funding was received from the Virginia Library in the amount of \$13,436.50 to cover the costs to preserve plat and deed books utilized by her office.

The Finance Director advised that both aforementioned expenditures weren't included in the original budget; therefore, a supplemental appropriation is needed. If these funds haven't yet been received (by the County), they will be shortly.

Supervisor Campbell moved that the Board approve Supplemental Appropriation #27_04242017 totaling \$6,705.00 and Supplemental Appropriation #28_04252017 totaling \$13,436.50 for the Clerk of the Circuit Court, as presented, seconded by Supervisor Hoffman. **Ayes: Jackson, Weakley, Campbell, Hoffman. Nays: (0). Absent: McGhee.**

iii. Commonwealth Attorney Reimbursement [#26_04252017 (\$1,333.63)]: Clarissa Berry, Commonwealth Attorney, was present and explained that today's supplemental appropriation is for money utilized for the Commonwealth Attorney and the

Assistant Commonwealth Attorney to attend a conference; the State has reimbursed the County for the costs utilized to fund the training event.

Supervisor Campbell moved that the Board approve Supplemental Appropriation #26_0422017 totaling \$1,333.63 for the Commonwealth Attorney's Office as presented, seconded by Supervisor Hoffman. *Ayes: Jackson, Weakley, Campbell, Hoffman. Nays: (0). Absent: McGhee.*

iv. Board of Supervisors Broadband Survey Costs [#26_04252017]: Supervisor Weakley advised that the expenditure was slightly below \$3,100.00 (\$2,900+).

The Finance Director noted that the approved minutes indicated that \$3,100.00 was approved to cover the associated costs for the survey.

Supervisor Campbell moved that the Board approve Supplemental Appropriation #26_04252017 totaling \$3,100.00 as presented, seconded by Supervisor Hoffman.

Supervisor Weakley asked the County Attorney if there would be a conflict if he voted on the aforementioned motion, to which the County Attorney advised there would be no conflict

Ayes: Jackson, Weakley, Campbell, Hoffman. Nays: (0). Absent: McGhee

The Commonwealth Attorney advised that she participated in a recent Committee meeting (to include Robert Legge, Clair Lillard, Brian Duncan, Valerie Ward, Supervisor Hoffman, and the Finance Director) that focused on ways to improve CSB services to Madison County, and ways this may help reduce the need for additional CSA funding; research will be done to assess interagency techniques (as being utilized in Fauquier County, DSS and CSA). Over the next three (3) months, Mr. Duncan will work on compiling data; the CPMT will look at working with Fauquier County to attain input.

- *Supervisor Weakley: Advised there was a suggestion to assess a different drug that may be more beneficial and cost effect (relating to substance abuse)*

The Commonwealth Attorney further advised of the challenge to 'find the right program' to fit each individual (i.e. a new drug is now being offered that will offer a reverse effect if ingested). Statistics also reveal that individuals suffering from childhood trauma are more likely to participate in risky behaviors (i.e. smoking, drinking, illegal drugs, suicide, etc.) – it's those that if individuals with childhood trauma could be identified at a young age, perhaps techniques could be initiated to provide services in order to offset the need to fund future placements or substance abuse issues.

- *Supervisor Hoffman: Noted that the meeting was most productive; the next meeting will be held within ninety (90) days*

Commissioner of the Revenue: Brian Daniel, Commissioner, was present and reminded the public that state tax returns and county personal property forms are due by May 1st.

5. County Departments

School System: Bob Chappell apologized for the lack of an official vote being made by the Madison County School Board on the energy audit proposal prior to today's session.

6. Committees or Organizations:

a. Virginia Department of Health – Whitney Wright, Environmental Health Manager – Rappahannock Rapidan Health District:

Whitney Wright, Environmental Health Manager, was present and advised that the health district involves Madison, Culpeper, Fauquier, Orange and Rappahannock Counties. Today's objective is to provide the Board with an overview of the services provided by the local department to the County. Today's document focuses on state and mandated services which are included in the local agreement (between the Madison Health Department and Madison County Board of Supervisors. Highlights of services provided included the following:

- ✚ Environmental Health Services [
- ✚ Local Environmental Services

**The Health Department will review applications for:*

Additions

Swimming pools

Changes in Use

Review of records
 Review of site plans
 Provide site evaluations

- ✚ Madison's Team
- ✚ Leadership Team

Questions from the Board:

- Chairman Jackson: Questioned where Dwayne Dixon's role is noted in today's document; also questioned the current review process being provided, and whether documentation provided (to the applicant) can help streamline the overall process; also advised that 'time is money' when dealing with major developments; advised that some of the responses from VDH aren't being provided in a timely manner (i.e. being received just prior to the close of the business day)

The County Administrator advised that (in his opinion), Mr. Dixon may be providing some assistance to Ms. Fortenberry until she's through with her initial training, and because of his history/knowledge of Madison County. He also questioned that as Ms. Fortenberry becomes certified, will Mr. Dixon's assistance be phased out or be less involved with the requests for Madison County.

- Supervisor Campbell: Noted that (in his opinion) it will take about two (2) years for Ms. Fortenberry to attain full certification; also noted that Mr. Dixon treats 'all the same'; advised that he met with Steve Cook and Susan Fortenberry; feels it's unacceptable for the process (being provided by the VDH) to take such a long period of time (i.e. one to two months) to get some issues resolved; also advised that (to the best of his knowledge) if an engineer signs off on a request, the State doesn't require VDH to assess any request that involves a 'use by right' in a B-1 zone; also noted that a representative from VDH isn't available (during commission workshops/meetings) to address any questions/concerns that are sometimes brought forth

Mr. Wright advised that:

- Mr. Dixon doesn't have any responsibility in Madison County any longer, and isn't a part of the leadership team
- VDH met with Supervisor Campbell, County Administrator, Building Official and the Zoning Administrator to discuss ways to coordinate/streamline services being provided
- Looking to utilize the model currently being used in Fauquier County
- Efforts will be made to streamline the process and provide quicker review
- Anticipates that Ms. Fortenberry will be fully licensed within eighteen (18) months

Mr. Wright advised that if any property owner is looking to change the use of an existing property, they're provided a three (3) page guidance document that consists of detailed expectations of what will be needed before an application is presented (to the County) if requested work involves anything that will change the existing use of the property (i.e. building addition, swimming pool, etc.). Further advised that the process being utilized in Fauquier County has greatly improved the overall process, by allowing the applicant a list of everything that will be needed in a timely manner. In his opinion, the aforementioned process will allow the VDH to better expedite the application process.

Mr. Wright further advised that the Va. Code given the authority to the Board and the health commission to develop regulations, which must be carried out

Additional highlights:

- Program Requirements
- Sewage Disposal & Private Well
- Issue construction permits, certification letters, inspections, operations permit, etc.
- Restaurant (Inspections are conducted at all permitted facilities at a frequency that is based on risk assessment)

It was further advised that the applicant process (for property owners) call for such requests to be submitted to the VDH for review and assessment. There are some instances when the applicant's request doesn't need to be referred to the VDH. Applicants are provided a guidance document that provides a list of detailed expectations as to what will be needed by the Building Department (for building additions, swimming pools, etc.).

- Environmental Health Virginia Law
- Sewage Disposal: Va. Code §32.1-164A
- Private Well Construction: Va. Code §32.1-176.4
- Migrant Labor Camps: Va. Code §32.1-205
- Hotels, Restaurants, Summer Camps & Campgrounds: Va. Code §§35.1-2

- Rabid Animals: Va. Code §3.2-6522
- Environmental Health Regulations
- The regulations of the Board shall govern...
- The Board shall adopt regulations.....
- The Board may adopt regulations governing....
Va. Code §32.1-164B (sewage)
Va. Code §32.1-176.4 (private well)
Va. Code §32.1-211 (migrant labor camps)
Va. Code §35.1-13, 14, 16, and 18 (hotels, restaurants, summer camps, campgrounds)

Mr. Wright advised that if an issue comes forth that is deemed to be a public health emergency (i.e. rabies, sewage matter, etc.), these matters take priority over other matters.

Onsite Sewage & Private Well Program

Application Types & Review Times

New Construction Permits: 15 days (owner is building a new home which requires an application for an on-site sewage system)
Repair Construction Permits: 15 days (issued when an existing system has malfunctioned)
Voluntary Upgrade Permits: 15 days (owners are proactively doing corrective measures to an existing system to prolong the life)
Lot Certification Letters: 20 days (certification can be provided if building will not take place immediately)
Subdivision Reviews: 60 days (applications that come from the office and need to be reviewed by the VDH to assess state/local regulations)

The review time for professional engineered designs is 21 calendar days

Mr. Wright advised that the review time is regulated through the VDH policy that is based off of statewide time frames, and don't actually represent the average time frame. It was further noted that the VDH is given the authority to process the above types of applications within twenty-one (21) calendar days

Onsite Sewage & Private Well Program

Priority Levels

Level 1: Permits to repair failing systems
Level 2: Construction permits where the applicant has concurrently applied for a building permit
Level 3: Applications for certification letters
Level 4: Permits for voluntary upgrades
Level 5: Subdivision Approvals

Mr. Wright advised that the priority levels are based off of public health risks; the VDH is tasked to ensure the citizens are safe and have sanitary conditions. There are times when some applications do take several dues due to a Level I priority item being brought forth. The Health Commissioner and VDH employees are required to handle priority items first.

Madison County Environmental Health

Services Provided in FY2016

Onsite Sewage Applications: 126

Private Well Applications: 75 (include permits for drinking water wells, agricultural wells, well replacement/abandonment/repairs)

Food Safety & Consumer Services Inspections: 133 (routine food inspections, pre-opening inspections, risk factor inspections, summer camps/campgrounds, swimming pool inspections, etc.)

Rabies Investigations: 38

Environmental Complaint Investigations: 7

A vast amount of services is provided in Madison County through the use of very limited VDH staff.

In closing, he thanked the Board for allowing him to provide today's presentation.

Additional concerns from the Board:

- Supervisor Campbell: Questioned if private sector designer can be used to inspect a non-residential sewage system, and if a soil engineer inspects a drain field, designs the system and also approves the septic system for installation, will this approved certification be accepted by the local health department; noted that his meeting with Ms. Fortenberry was

positive – discussions focused on the needs of the citizens; noted that Mr. Dixon was very diligent in providing information (to him in the past) very quickly

Mr. Wright advised that private soil engineers are allowed to submit designs to the VDH for review, but the VDH is still required to do all the permits (for construction), perform field reviews to verify the work and inspect the system after installation to ensure accuracy. In closing, a private sector party can provide direct services that have historically been provided by the VDH.

- *Chairman Jackson: Questioned if the above referenced process cuts down (i.e. use of a soil scientist); also noted that (in his opinion) 'Dwayne (Dixon) has left a poor taste' in Madison County; questioned whether a septic system could be reviewed within thirty (30) days; also noted that there have been instances where information has been received from the local health department just prior to the close of the business day, which doesn't allow County staff adequate time to attain an explanation for upcoming meetings; feels it's a disservice to the applicants when there isn't a VDH representative present at the meeting to provide information*
- *Supervisor Weakley: Provided accolades to the County Administrator and Building Official; also advised favor of the desire to streamline services for the citizens; also advised that there has been a hold-up on applications due to requests being presented (from the VDH) without a full explanation being provided to the applicant(s); understands that the VDH has regulations to follow; noted that expectations impose a financial impact; questioned if there are realistic expectations when expectations (requested by the VDH) could be implemented and/or if such expectations could be phased in; reference was also made regarding a 'change of use' to an existing building, but the applicant was told they had to build bathrooms*

Mr. Wright noted that many of the examples being provided appear to be situations where the VDH is acting as the "County's advisor." Also noted that the VDH is in place to provide (the applicants) with details of what's required to ensure that public health isn't compromised. Also advised that some jurisdictions schedule meetings with applicants before an application is presented as a means to cut out some of the 'unknown' issues. The matter of having application meetings is being discussed with the County Administrator in an effort to provide expectations (to the applicant) from the start of the process. The VDH is willing to initiate techniques to help the County.

The County Administrator clarified that the services (being provided by the VDH) are noted in the local agreement; he further advised that the County could elect to omit these 'special services' from the local agreement. He thanked Mr. Wright for attending and also advised that Mr. Cook will meet with the Madison County Planning Commission in the coming weeks.

Mr. Cook advised that the recent commission case (involving a local property owner) was discussed with Ms. Fortenberry; the applicant and Building Official were provided with additional recommended documentation that will be needed; VHD is waiting to hear back from the applicant.

After discussion, Chairman Jackson noted that tonight's discussion has been most positive.

b. Virginia Department of Transportation, Secondary Six Year Plan – Joel DeNunzio and/or [REDACTED] Darrell Shifflett

Joel DeNunzio, VDOT, was present to provide highlights on the County's existing secondary six-year road plan, priorities and/or changes.

General information provided focused on the following highlights:

- ✚ The development of the SSYP is a partnership between VDOT & the BOS in improving local transportation
- ✚ BOS is responsible for establishing priorities for the SSYP
- ✚ VDOT is responsible for funding and construction
- ✚ Each year in the spring we typically have a work session in advance of the PH required by Virginia Code

Highway funding is derived from:

- ✚ State and Fed gasoline tax
- ✚ Vehicle title fees
- ✚ Vehicle sales tax
- ✚ State Sales tax

- These funds are allocated to the various systems of roads
- Distribution of funds is based on area and population (i.e. formula)
- The SSYP funding since 2009 is primarily an unpaved road program

Work Session Notebook tabs:

1. Projected allocations
2. General Info
3. Last Years' SSYP

*Funding consisted of CTB formula (unpaved State - \$157,430; tele fee funds - \$44,773 = \$202,203)

4. List of secondary roads (any road that has a Route number of '600' or above)
5. List of unpaved secondary roads (309 miles of secondary roads – 218 miles unpaved)
6. List of unpaved secondary roads with VPD of 50 per day or more

Highlighted roads (Route 690 [Boonton's Lane]; Route 671 [Forest Drive; Route 675 [Fletcher Road] – Resolutions were approved at the last meeting session

**Based on funding allocations for the next six (6) years, the County needs to add some projects to the SSYP*

**Roads with highest traffic count were noted (i.e. Riverview Lane, Lester Utz Lane, Medley Mountain Drive, Novum Road, Mt. Pisgah Church Road) and qualify for the Rural Rustic Program based on vehicle usage*

**VDOT will review any roads the County would like to consider (as provided on today's list) as a priority list*

7. Recommendations
8. Projects dropped in the past
9. Info
10. Info
11. Contact info
12. Map

The County Administrator advised that the public hearing on the SSYP is scheduled for May 25th.

The County Administrator also advised that Mr. DeNunzio may be aware of some safety issues that could be addressed.

After discussion, Mr. DeNunzio suggested the following recommendations be considered:

- Rt. 692 Riverview Lane (0.53 miles) [from SR 230 (Wolfstown-Hood Road)]*
- Rt. 699 – Lester Utz Lane (0.60 miles) [from SR 629 (Spring Branch Road)]*
- Rt. 709 – Medley Mountain Drive (0.20 miles) [from SR 607 (Elly Road – to dead end)]*
- Rt. 606 – Novum Road (0.20 miles) [from Rt. 607 (Ridgeview Road)]*
- Rt. 623 – Mt. Pisgah Church Road (0.70 miles) [from Rt. 622 (Tanners Road)]*

All of the above projects can be added for the next six (6) years and are the roadways with the highest vehicle volume. In closing, it was noted that the Board can provide a priority list to be reviewed by VDOT.

Chairman Jackson suggested that if anyone provides concerns to the Board during the public hearing on a particular road, suggestions and/or concerns can be reviewed/assessed for inclusion into the SSYP.

Mr. DeNunzio advised that changes can be incorporated as the Board deems appropriate and sufficient. He also advised that the improvement isn't asphalt, but a surface treatment that looks a lot like asphalt. In closing, he advised that the Board's priorities can be incorporated and updated each year.

Comments from the Board:

- *Supervisor Campbell: Referred to the proposed "J" Turn to be initiated at Shelby Road; asked if the area is still being studied; he also reported that (based on citizen request) there are some potholes that need to be repaired*
- *Supervisor Weakley: Questioned if a stakeholders' meeting has been held with property owners that may be affected; noted that the improvements to the light at Fairground Road and Rt. 29 Business seem to be on the turning lane (from the southbound lane turning onto Fairground Road); noted that there is still a short time for vehicles crossing over from Main Street to Fairground Road; noted that school buses are tailgating in order to try to make it through the green light; also asked VDOT to assess the width of Fairground Road (near Elementary Acres Subdivision) due to safety concerns (i.e. 121 buses [excluding POV traffic]) pertaining to low shoulders and patching; thanked VDOT personnel for remarkable improvements made on; noted there is usually a back-up of traffic at the primary school – questioned if there is grant funding that may help fund a resolution to this concern; thanked VDOT for improvements made to Power Dam Road*
- *Chairman Jackson: Questioned if the timing of the light at the intersection of Fairground Road and Rt. 29 Business can be lengthened; more time is needed for the buses to make it through the light*

The County Administrator advised that his assessment of the area revealed that about 1.5 vehicles is now able to cross over during 'non-peak' times (i.e. mid/late afternoon during non-school hours).

Mr. DeNunzio advised that:

- ❖ *VDOT has funding for the proposed project (at Shelby Road)*
- ❖ *A scoping meeting was scheduled (a couple of weeks ago), but had to be postponed*

- ❖ *Proposed improvements will remedy safety concerns (would install a traffic light if this was allowed on Route 29)*
- ❖ *Efforts will be made with the County Administrator to schedule a future scoping meeting combined with a stakeholder's meeting*
- ❖ *Additional information will be attained on the crossover at Fairground Road & Rt. 29 intersection*

7. Finance

a. April 2017 Claims

\$132,390.25

\$ 65,119.78

\$197,510.03 (Total)

The Finance Director advised that:

- Four (4) payments equal 68% of the above referenced balance
- \$70,000.00 in debt service (E9112 equipment & law enforcement vehicle payment)
- \$13,000.00 (Co-file - vendor used to restore plat books)
- \$17,000.00 (VA Tech - 3rd quarter costs associated with Extension Office)
- \$34,000.00 (March Waste Management invoice)
- Questions
- Supervisor Hoffman: Questioned invoice (\$6.00) to Shirley's Uniforms & Alternations
- Supervisor Weakley: Questioned invoice for medical transport

The County Administrator advised that:

Expenditure for alterations is for law enforcement personnel's uniforms

Expenditure for medical transport is grant related (\$1,000.00) for ambulance equipment that has been ordered

Supervisor Campbell moved the Board approve April Claims in the amount of \$197,510.03, seconded by Supervisor Hoffman. *Ayes: Jackson, Weakley, Campbell, Hoffman. Nays: (0). Absent: McGhee.*

8. Minutes:

a. #13

Chairman Jackson called for corrections and/or approval of Minutes #13

Supervisor Hoffman moved the Board approve Minutes #13 be approved as submitted, seconded by Supervisor Weakley. *Ayes: Jackson, Weakley, Campbell, Hoffman. Nays: (0). Absent: McGhee.*

9. Old Business:

a. Festival Permit - Graves' Mountain Lodge: The County Administrator advised that Graves' Mountain Lodge has presented a festival permit for an event over the Memorial Day weekend (i.e. horseback activities, camping, musical festival). As in the past, the lodge has presented the request to the Madison Health Department, who has approved the permit, pending, based on primitive camping. A map was provided that shows (by color code) the number of portable toilets that will be brought in for the camping areas, which is at the discretion of the Madison Health Department; the Sheriff's Department has signed off as noted.

Lynn Graves was present and explained that the lodge has to apply for a temporary permit pass (existing campground is 6.29 acres and will need to be extended) in order to accommodate the amount of anticipated campers; horseback riders will be separated from those that plan to attend the blue grass festival, and will not be allowed during the festival unless in the area designated for this purpose only. A temporary campground permit has been presented to the local VDH office for approval, and then onto the State VDH office for final approval. Notification is usually provided to the lodge a few days before the start of the event.

Comments from the Board:

- *Supervisor Campbell: Feels the County isn't being well served by the local health department; feels that a temporary/primitive campground is a use that should be allowed 'by right'; also referred to paragraph 2.4 of the County's ordinance that states that 'anything not specifically permitted is prohibited'; reference was also made regarding an email (from the former Administrator) that was sent to the local health department to indicate that the lodge had met all necessary guidelines required to operate as a primitive campground, which isn't true; suggested the County take measures to eliminate the need for the lodge to go through this process each year*
- *Chairman Jackson: Questioned (the County Attorney) if a 'primitive campground' can be added to the local ordinance*

The County Attorney advised that he will review concerns with Betty Grayson, Zoning Administrator. He noted that (to the best of his knowledge) the matter involved trying to develop a process that would work for everyone.

Questions from the Board:

- *Supervisor Hoffman: How many campsites does the lodge currently have in place*

Health department approved thirty (30) days

Mr. Graves advised that:

- There are thirty-seven (37) campsites in place (which is why the lodge will need to apply for temporary sites)
- It was advised that 1,600 sq. ft. would be required for a camper to be placed in;

And was later advised that:

- The campsite could be as 'big as you'd like'
The lodge could have 'as many campers in place as you want'
- An engineer will be hired to redraw plans and present a request before the Madison County Planning Commission to change the number of campsites at the location.

The County Administrator suggested the County not discuss consent orders and violations during tonight's open business meeting.

Supervisor Weakley moved the Board approve the Festival Permit presented by Graves' Mountain Lodge as permitted, seconded by Supervisor Hoffman.

Discussion:

Supervisor Weakley: Referred to the fact the County Administrator will review the request; questioned if there was a method the County could utilize to minimize the annual permit process (for the lodge)

Mr. Graves: Advised that Ms. Fortenberry (VDH) has been most helpful; has provided input as to how the VDH handles other entities that hold large festivals annually; information submitted to the State VDH office shouldn't pose a problem this year.

Nays: Jackson, Weakley, Campbell, Hoffman. Nays: (0). Absent: McGhee.

Supervisor Campbell: Voted "Nay" due to the lack of change in the County's ordinance

Chairman Jackson: Suggested the County Administrator, Supervisor Campbell and the County Administrator work together to provide input at the next meeting.

- b. Requests for Speed Studies to VDOT – Procedural Request:** The County Administrator advised that an email was forwarded from Terri Welsh (Assistant to Joel DeNunzio) pertaining to County citizens' requesting speed studies; it has been suggested that the Board provide a method of procedure (to VDOT), and noted that VDOT is willing to process the requests without approval and/or input from the County, should the Board so desire. It was noted that in most localities, VDOT has some degree of input (authorized by the governing board), and a referral for speed studies as deemed appropriate by the locality.

Pending requests include:

- ✚ Clore Road (reduce speed limit [from 40 mph to a lower limit])
- ✚ John Tucker Road (reduce speed limit [from 45mph to 25 mph])
- ✚ Gate Road (Current limit is 55 mph – request to lower the speed limit to as low as possible)

The County Administrator advised that when speed limits are dropped at a number of roads within the locality, this action could put a burden on the Sheriff's Office, as citizens will sometimes request increased law enforcement on the roadway due to a decrease in the speed limit. In closing, he noted that Mr. DeNunzio tries to handle traffic study requests without affixing any cost to the locality; he also recommended the Board consider asking:

- ✚ Complainant(s) attend a meeting (for public comment)
- ✚ Make a request (verbal) to the Board of Supervisors
- ✚ Board of Supervisors will make a referral to VDOT

Supervisor Campbell: Suggested the Board ask local law enforcement to assess any speed control concerns (on local roadways) and provide input.

10. New Business:

a. Traffic Signal at Rt. 29 & Fairground Road: Chairman Jackson noted that the County Administrator, MCPRA Manager and the Zoning Administrator have come up with an application to present to the Madison County Planning Commission for the proposed driving range (at Hoover Ridge). Also suggested that the County waive any associated fees (i.e. building, zoning) from the application process.

Supervisor Campbell moved that the Board pall the special use permit application by the Madison County Board of Supervisors for the proposed driving range at Hoover Ridge, and waive all applicable building/zoning fees, seconded by Supervisor McGhee.

Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).

b. Building code Appeals Board Appointment(s): Chairman Jackson advised there are three (3) individuals for reappointment:

Edward Lee Jenkins (4-year term to end 3'10'2021)

Scott Lohr (4-year term to end 3'10'2021)

John Stamp (4-year term to end 3'10'2021)

Alicia Gigel (Term to end 9'30'2018)

Supervisor Campbell moved that the Board reappoint the following individuals to serve on the Building Code Appeals Board, as presented, seconded by Supervisor Weakley. *Ayes: Jackson, Weakley, Campbell, Hoffman. Nays: (0). Absent: McGhee*

11. Public Comment:

Chairman Jackson opened the floor for public comment. With no public comment being brought forth, the session was closed.

12. Closed Session (if necessary): None.**13. Adjournment:**

With no further action being required, on motion of Supervisor Campbell, seconded by Supervisor Hoffman, Chairman Jackson adjourned the meeting. *Ayes: Jackson, Weakley, Campbell, Hoffman. Nays: (0). Absent: McGhee.*

R. Clay Jackson, Chairman
Madison County Board of Supervisors

Clerk of the Board of the Madison County Board of Supervisors

Adopted on: May 9, 2017

Copies: R. Clay Jackson, Jonathon Weakley, Robert Campbell, Kevin McGhee, Charlotte Hoffman, V. R. Shackelford, III,
Constitutional Officers



Agenda
Regular Meeting
Madison County Board of Supervisors
Tuesday, April 25, 2017 at 4:30 p.m.
County Administration Building, Auditorium
414 N. Main Street, Madison, Virginia 22727

**Call to Order****Pledge of Allegiance & Moment of Silence****1. Determine Presence of a Quorum w/Adopt Agenda**

2. 4:30 P.M. Discussion of Proposed Energy Audit Project with the Madison County School Board; other participants, include representatives from Ameresco and the Virginia Department of Mines, Minerals & Energy

3. 6:00 P.M. Public Comment**4. Constitutional Officers**

a. Clerk of the Circuit Court - Leeta Louk [Supplemental Appropriations]

✦ Records Management Costs VA Library Funding

b. Commonwealth Attorney - Clarissa Berry [Supplemental Appropriation]

✦ Reimbursement (State Training)

c. Board of Supervisors Broadband Survey Costs [Supplemental Appropriation]

5. County Departments

6. Committees or Organizations

- a. Virginia Department of Health – Whitney Wright, Environmental Health Manager – Rappahannock Rapidan Health District
- b. Virginia Department of Transportation, Secondary Six Year Plan – Joel DeNunzio and/or Greg Banks

7. Finance:

- a. April 2017 Claims
- b. ~~Supplemental Appropriations March 2017 Claims~~ – Moved to Item 4
- c. Quarterly Year-to-date Financial Report

8. Minutes:

- a. #13

9. Old Business:

- a. Festival Permit – Graves’ Mountain Lodge
- b. Requests for Speed Studies to VDOT – Procedural Request

10. New Business:

- a. Traffic Signal at Rt. 29 & Fairground Road. Building Code Appeals Board Appointment(s)

11. Closed Session (if necessary)

12. Information/Correspondence (if any)

13. Adjournment

ADJUSTMENTS TO THE MEETING FORMAT ARE DENOTED IN ROYAL BLUE WITH YELLOW HIGHLIGHT